

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

TRUSTEES OF THE SUBURBAN TEAMSTERS	)	
OF NORTHERN ILLINOIS PENSION FUND	)	
AND WELFARE FUNDS,	)	
	)	
Plaintiff,	)	
	)	No. 08 C 1015
v.	)	
	)	Judge Der-Yeghiyan
	)	
FLEET LINE TRUCKING	)	
INCORPORATED, an Illinois corporation and	)	Magistrate Judge Keys
DONNELL LANGSTON, Individually	)	
	)	
Defendants.	)	

**MOTION FOR JUDGMENT IN SUM CERTAIN**

NOW COMES the Plaintiff, TRUSTEES OF THE SUBURBAN TEAMSTERS OF NORTHERN ILLINOIS WELFARE AND PENSION FUND, by and through its attorney, JOHN J. TOOMEY, ARNOLD AND KADJAN, and pursuant to FRCP 55 move for entry of a default judgment in sum certain as stated in this Complaint and the supporting Affidavits attached hereto. In support of its Motion, Plaintiffs state as follows:

1. Suit was filed on February 19, 2008 for collection of delinquent contributions, attorneys' fees, costs and interest under 29 U.S.C. 1132(g)(2).
2. Corporate service was made upon FLEET LINE TRUCKING, INCORPORATED, an Illinois corporation on February 26, 2008 and a copy of the proof of service was filed with the court on March 24, 2008.
3. Service was made upon DONNELL LANGSTON, Individually on February 26, 2008 and a copy of the proof of service was filed with the court on March 24, 2008.

4. On April 14, 2008, DONNELL LANGSTON, Individually and as President of Fleet Line Trucking, Inc. entered into a Pension Fund installment note for \$6,164.76 (Exhibit A). Nine installment note payments have made through January 15, 2009. There remains a balance due the Pension Fund of \$1,018.55 (Exhibit B).

5. On April 14, 2008, DONNELL LANGSTON, Individually and as President of Fleet Line Trucking, Inc. entered into a Welfare Fund installment note for \$11,350.36 (Exhibit C). Nine installment note payments have been made through January 15, 2009. There remains a balance due the Welfare Fund of \$1,901.79 (Exhibit D).

6. The Defendants are now in default as to the Complaint and as supported by the attached Affidavits the sums due are:

\$1,018.55 Pension installment note  
\$1,901.79 Welfare installment note  
\$925.00 Attorneys fees  
\$416.00 Court costs  
\$4,261.34

WHEREFORE, Plaintiffs pray for the entry of judgment against Defendants, FLEET LINE TRUCKING, INC., an Illinois corporation and DONNELL LANGSTON, Individually, jointly and severally and in favor of Plaintiffs, TRUSTEES OF THE SUBURBAN TEAMSTERS OF NORTHERN ILLINOIS WELFARE AND PENSION FUNDS in the amount of \$4,261.34.

TRUSTEES OF THE SUBURBAN TEAMSTERS  
OF NORTHERN ILLINOIS WELFARE AND  
PENSION FUNDS

**s/John J. Toomey**  
ARNOLD AND KADJAN  
19 W. Jackson Blvd., Suite 300  
Chicago, IL 60604  
Telephone No.: (312) 236-0415  
Facsimile No.: (312) 341-0438  
Dated: May 26, 2009

# **EXHIBIT A**

APR.14'2008 13:16 7088484999

Advance Printing

#1392 P.002/003

**SUBURBAN TEAMSTERS OF NORTHERN ILLINOIS FRINGE BENEFITS****Fleet Line Trucking, Inc. : Pension Fund****April 15, 2008**

For value received, the undersigned promises to pay to the order of Suburban Teamsters of Northern Illinois Pension Fund the principal total of \$ 6,141.76 ( **Six Thousand One Hundred Forty One and 76/100 dollars.**)

The maker of this Note acknowledges that the above indebtedness represents fringe benefit contributions and other costs and charges due and owing pursuant to applicable provisions of the Employee Retirement Income and Security Act 29 U.S.C. 1145. For contributions due for the period February, 2007 through September, 2007.

The Employer shall make a **down payment** of \$ 1,224.98 on April 15, 2008, leaving a principal balance of \$ 4,916.78. That balance is to be paid with 10% annual interest in 12 equal and consecutive monthly installments of \$ 432.26 beginning on May 15, 2008. Payments should be sent to:

Suburban Teamsters of Northern Illinois  
1275 W. Roosevelt Rd. Unit 121  
West Chicago, IL 60185

Or such other place as may be directed by the legal holder of this Note.

**The Employer is to remain current in regular monthly contributions.** Failure to do so will be considered a default, causing the remaining unpaid Note balance to become immediately due and payable.

The undersigned hereby irrevocably authorizes any attorney of any court of record to appear for the undersigned in such court, in term time or vacation, at any time after default in the payment of any installment of the principal hereof, and confess judgment without process in favor of the payee or holder of this Note for the **unpaid amount**, together with costs of collection including reasonable attorney's fees, and to waive and release all errors which may intervene in such proceedings, and consent to immediate execution upon such judgment, hereby ratifying and confirming all that said attorney may do by virtue hereof.

All parties hereto severally waive presentment for payment, notice of dishonor and protest.

By: Donnell Langston  
Donnell Langston, President  
Fleet Line Trucking, Inc.

Date: April 14, 2008

Donnell Langston  
Donnell Langston, Individually

Date: April 14, 2008

# **EXHIBIT B**

**Fleet Line Trucking, Inc.**

Er # 4592

**Pension Fund**

PRINCIPAL TOTAL: \$ (6,141.76)

DOWN PYMT: \$1,224.98

Date: April 15, 2008

Ck #: 0841

PRINC BALANCE: (\$4,916.78)

NMBR PYMNTS: 12

MNTHLY PYMT: \$432.26 /month

PAY THIS... ..OR THIS		AFTER REGULAR PAYMENT			Payments	Made
Date DUE	NOTE BALANCE	PEN PYMNT	PRINC PD	CURRENT PRINC BAL	Date	Check #
1 05/15/08	4,957.75	432.26	391.29	4,525.49	1 5/15/08	0954
2 06/15/08	4,563.20	432.26	394.55	4,130.94	2 7/15/08	0962
3 07/15/08	4,165.36	432.26	397.84	3,733.10	3	
4 08/15/08	3,764.21	432.26	401.15	3,331.94	4 9/26/08	0967
5 09/15/08	3,359.71	432.26	404.50	2,927.45	5	
6 10/15/08	2,951.84	432.26	407.87	2,519.58	6 11/15/08	0964
7 11/15/08	2,540.58	432.26	411.27	2,108.31	7 3/16/09	0976
8 12/15/08	2,125.88	432.26	414.69	1,693.62	8 3/16/09	0976
9 01/15/09	1,707.73	432.26	418.15	1,275.47	9 04/11/09	0979
10 02/15/09	1,286.10	432.26	421.63	853.84	10 11/15/08	0969
11 03/15/09	860.95	432.26	425.15	428.69	11	
12 04/15/09	432.26	432.26	428.69	0.00	12	

5/15/09 Late payment interest on installment note \$167.60

# **EXHIBIT C**

APR.14'2008 13:16 7088484999

Advance Printing

#1392 P.003/003

**SUBURBAN TEAMSTERS OF NORTHERN ILLINOIS FRINGE BENEFITS****Fleet Line Trucking, Inc. : Welfare Fund****April 15, 2008**

For value received, the undersigned promises to pay to the order of Suburban Teamsters of Northern Illinois Welfare Fund the principal total of \$ 11,350.36 ( **Eleven Thousand Three Hundred Fifty and 36/100** dollars.)

The maker of this Note acknowledges that the above indebtedness represents fringe benefit contributions and other costs and charges due and owing pursuant to applicable provisions of the Employee Retirement Income and Security Act 29 U.S.C. 1145. For contributions due for the period February, 2007 through September, 2007.

The Employer shall make a **down payment** of \$ **2,285.79** on April 15, 2008, leaving a principal balance of \$ **9,064.57**. That balance is to be paid with 10% annual interest in 12 equal and consecutive monthly installments of \$ **796.92** beginning on May 15, 2008. Payments should be sent to:

Suburban Teamsters of Northern Illinois  
1275 W. Roosevelt Rd. Unit 121  
West Chicago, IL 60185

Or such other place as may be directed by the legal holder of this Note.

**The Employer is to remain current in regular monthly contributions.** Failure to do so will be considered a default, causing the remaining unpaid Note balance to become immediately due and payable.

The undersigned hereby irrevocably authorizes any attorney of any court of record to appear for the undersigned in such court, in term time or vacation, at any time after default in the payment of any installment of the principal hereof, and confess judgment without process in favor of the payee or holder of this Note for the unpaid amount, together with costs of collection including reasonable attorney's fees, and to waive and release all errors which may intervene in such proceedings, and consent to immediate execution upon such judgment, hereby ratifying and confirming all that said attorney may do by virtue hereof.

All parties hereto severally waive presentment for payment, notice of dishonor and protest.

By: Donnell Langston Date: April 14, 2008  
Donnell Langston, President  
Fleet Line Trucking, Inc.

Donnell Langston Date: April 14, 2008  
Donnell Langston, Individually



# **EXHIBIT D**

**Fleet Line Trucking, Inc.**

Er # 4592

**Welfare Fund**

PRINCIPAL TOTAL: \$ (11,350.36)

DOWN PYMT: \$2,285.79

Date: April 15, 2008

Ck #: 0842

PRINC BALANCE: (\$9,064.57)

NMBR PYMNTS: 12

MNTHLY PYMT: \$796.92 /month

PAY THIS..... OR THIS		AFTER REGULAR PAYMENT			Payments	Made
Date DUE	NOTE BALANCE	WEL PYMNT	PRINC PD	CURRENT PRINC BAL	Date	Check #
1 05/15/08	9,140.11	796.92	721.38	8,343.19	1 5/15/08	0953
2 06/15/08	8,412.71	796.92	727.39	7,615.79	2 7/15/08	0961
3 07/15/08	7,679.26	796.92	733.46	6,882.34	3	
4 08/15/08	6,939.69	796.92	739.57	6,142.77	4 9/26/08	0913
5 09/15/08	6,193.96	796.92	745.73	5,397.04	5	
6 10/15/08	5,442.01	796.92	751.94	4,645.09	6 11/15/08	0969
7 11/15/08	4,683.80	796.92	758.21	3,886.88	7 3/16/09	0977
8 12/15/08	3,919.27	796.92	764.53	3,122.36	8 3/16/09	0972
9 01/15/09	3,148.37	796.92	770.90	2,351.46	9 4/1/09	0978
10 02/15/09	2,371.05	796.92	777.32	1,574.13	10 11/15/08	0969
11 03/15/09	1,587.25	796.92	783.80	790.33	11	
12 04/15/09	796.92	796.92	790.33	0.00	12	

5/15/09 Late payment interest on installment note \$314.54